

Appl. No. 09/998,082
Amendment and/or Response
Reply to Office action of 2 June 2004

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REMARKS / DISCUSSION OF ISSUES

Claims 1-15 are pending in the application.

The Office action rejects claims 1-15 under 35 U.S.C. 102(e) over Kocher et al. (USP 6,640,305, hereinafter Kocher). The applicants respectfully traverse this rejection.

As indicated in the first paragraph of the applicants' specification, and as confirmed on the Filing Receipt, the applicants claim priority to U.S. provisional patent application 60/283,323, filed 12 April 2001. This provisional application establishes the date of the invention by the applicants as being on or before 12 April 2001.

The Examiner's attention is requested to 35 U.S.C. 102(e):

"A person shall be entitled to a patent unless - ... (e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language".

The applicants respectfully note that Kocher was filed on 6 September 2001, after the date of invention by the applicants, and thus is not available as prior art under 35 U.S.C. 102(e).

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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